

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HARP TRADING LTD., :  
Plaintiff, : 23-CV-5781 (AT) (OTW)  
-against- :  
ORDER  
BIRCH RIVER ENERGY, LLC f/k/a Brooks Run :  
Mining Company, LLC, :  
Defendant. :  
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**ONA T. WANG, United States Magistrate Judge:**

This matter has been referred to me for Inquest following a default. By **January 5, 2024**, Plaintiff shall file **(1)** proposed findings of fact and conclusions of law, and **(2)** an inquest memorandum setting forth proof of damages. Plaintiff's proposed damages figures should be supported by documentary evidence and/or one or more affidavits establishing the proposed figures. Plaintiff must also include documentation supporting any requested attorney's fees and costs. Plaintiff must serve these documents on Defendant and file a proof of service on the docket by **January 5, 2024**.

Defendant's opposition papers (if any) shall be filed by **January 26, 2024**.

The Court hereby notifies the parties that it may conduct this inquest solely on the written submissions of the parties. *See Action S.A. v. Marc Rich & Co., Inc.*, 951 F.2d 504, 508 (2d Cir. 1991). If any party seeks an evidentiary hearing on damages, such party must include the request in its papers, as well as provide reasons why a hearing is necessary and detail what types of additional evidence would be presented at the hearing.

Plaintiff shall serve a copy of this Order on Defendant and file proof of service on the docket by **December 6, 2023**.

**SO ORDERED.**

Dated: November 29, 2024  
New York, New York

*/s/ Ona T. Wang*

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**Ona T. Wang**  
United States Magistrate Judge